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August 6, 2024

Via ECF

The Honorable Renée Marie Bumb
United States District Court
Mitchell H. Cohen Building and
U.S. Courthouse
Courtroom 3D
4th & Cooper Streets
Camden, NJ 08101

Dear Chief Judge Bumb,

This letter is in response to Defendants' counsel's letter dated August 6, 2024 (Dkt. No. 2798), which concerns Plaintiffs' Motion in Limine No. 16 and the supplemental briefing the Court requested regarding same at the July CMC.

Plaintiffs' counsel were surprised to see this letter filed on the docket, as the parties were in the midst of a series of meet-confer emails over the past 24 hours regarding reaching a jointly-agreed briefing schedule. Instead of responding to Plaintiffs' proposal of simultaneous briefing and response briefing, Defendants' counsel simply terminated the meet-confer and filed this letter without providing any notice to Plaintiffs.

Regardless, Plaintiffs' preference is for simultaneous briefing and response briefing with initial submissions on August 23 and response submissions on August 30. This will give the parties ample opportunity to respond to each other's positions, is consistent with longstanding past practice in this



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litigation, and similarly affords the Court plenty of time to review the parties' submissions prior to the Court's hearing set for September 10, 2024.

If the Court prefers staggered briefing, Plaintiffs submit that they should be given an opportunity to submit a reply. Defendants' Motion in Limine 16 response cites only two cases in support of Defendants' position (Dkt. No. 2667), which were raised previously by Defendants and rejected by the Court in prior opinions. If Defendants intend to submit additional authorities (which Plaintiffs believe to be the case since Ms. Brancato mentioned an additional unbriefed case at the July CMC), Plaintiffs should have an opportunity to address those authorities so the Court will have a fulsome record before the hearing.

Defendants' proposed briefing schedule attempts to squeeze Plaintiffs with an August 13 deadline less than a week away, and is overly generous to themselves with multiple weeks to respond until August 30. If the Court prefers staggered briefing, Plaintiffs submit that such a staggered briefing schedule should have Plaintiffs' initial brief due on August 19, Defendants' response due on August 26, and Plaintiffs' reply due on September 3.

Thank you for your consideration and attention to this matter.

Kind Regards,
John R. Davis
/s/ John R. Davis